United Nations A/58/325/Add.1

General Assembly

Distr.: General
6 November 2003

Original: English

Fifty-eighth session
Agenda item 117 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

The human rights situation in Myanmar

Report of the Secretary-General

Addendum

Summary

The present report has been prepared as an addendum to the main report of the Secretary-General on the human rights situation in Myanmar, dated 28 August 2003 (A/58/325), in order to reflect his most recent good offices efforts to facilitate national reconciliation and democratization in Myanmar, including the mission undertaken by his Special Envoy from 30 September to 2 October 2003.

03-60094 (E) 071103

I. Introduction

1. In implementation of General Assembly resolution 57/231 of 18 December 2002, the Secretary-General continued his discussion with the Myanmar authorities through correspondence with the new Prime Minister, General Khin Nyunt, who wrote and apprised him of the Government's seven-step road map to a democratic transition, announced on 30 August. On 30 September, the Secretary-General met with Minister for Foreign Affairs Win Aung, who was in New York attending the general debate of the fifty-eighth session of the General Assembly.

2. Razali Ismail, the Secretary-General's Special Envoy for Myanmar, visited Yangon on his eleventh mission, from 30 September to 2 October. He met with General Khin Nyunt, Minister for Home Affairs Colonel Tin Hlaing and Deputy Foreign Minister Khin Maung Win. On the last day, the Special Envoy called on Senior General Than Shwe, Chairman of the State Peace and Development Council. On 1 October, the Special Envoy met with Daw Aung San Suu Kyi at her residence. He held separate discussions with representatives of Myanmar's ethnic nationalities and other political parties, including the United Nationalities Alliance and the National Unity Party, as well as with certain members of the diplomatic corps, the United Nations country team and the International Committee of the Red Cross.

3. The Secretary-General and his Special Envoy have been in contact with a number of Myanmar's partners in the Association of South-East Asian Nations (ASEAN), in the run-up to and following the conclusion of the ninth ASEAN summit, which was held in Bali, Indonesia, on 7 and 8 October. The Secretary-General and his Special Envoy also remain in close contact with other interested members of the international community.

II. Content of the discussions

4. In his reply to the Prime Minister and during his meeting with the Foreign Minister, the Secretary-General cautiously noted that the road map had the potential to be a positive step. At the same time, he made it clear that the road map in its current form needed elaboration and, in this context, stated that he expected to learn more about the Government's plans for working in partnership with representatives of all Myanmar's political parties, national leaders and ethnic nationality groups in that process, and about the proposed time frame for its implementation. He further underlined that he always stood ready to facilitate a process of national reconciliation and democracy that would include modalities for the meaningful participation of all these parties, including Daw Aung San Suu Kyi. The Secretary-General encouraged the Government to share details and a time line for the implementation of its road map with his Special Envoy, who was scheduled to visit Myanmar from 30 September to 2 October.

5. The Special Envoy thus undertook his mission, inter alia, (a) to obtain detailed information from the Government about the road map for democratic transition, and to learn the reaction of Daw Aung San Suu Kyi and the ethnic nationality and other political parties/groups to the road map; (b) to encourage the Government to make the road map process as transparent and inclusive as possible; and (c) to press again for the restoration of freedom of movement and political activity for Daw Aung San

Suu Kyi and other leaders and members of the National League for Democracy (NLD) detained after the incident of 30 May.

6. During his meetings with the Prime Minister and the Senior General, the Special Envoy urged the Government to ensure the early participation of all interested parties, including Daw Aung San Suu Kyi and NLD, so that the road map process would become productive and credible. He specifically encouraged the Government to include all interested parties in the first stage of the road map, leading to the reconvening of the National Convention. In that context, the Special Envoy requested that freedom of movement and political activity be restored without delay for Daw Aung San Suu Kyi and other NLD members detained on or after 30 May, particularly its Central Executive Committee members. He further suggested that, as a way to begin to make the National Convention both inclusive and credible, the National Convention Convening Commission, a preparatory committee, should be expanded to include Daw Aung San Suu Kyi and representatives of other political parties, including NLD.

7. Both the Prime Minister and the Senior General stated that the Government was committed to implementing the road map. Moreover, the Prime Minister did not reject the Special Envoy's suggestions outright. Instead, he explained that, in addition to the National Convention Convening Commission, the Government would soon reconvene two more committees in preparation for restarting the National Convention. The Prime Minister added that, while the physical preparations for the re-convening of the National Convention were already under way, he was unable to speculate at this stage as to who would attend the National Convention until all three committees had been formed and had deliberated on matters within their competency. The Prime Minister did not provide any time frame for the implementation of the road map, noting instead that because of the complex ethnic situation facing the country, the Government was not in a position to state how long the road map process might take. He pointed out that insurgency groups that had concluded ceasefire agreements with the Government were still allowed to possess arms, and that if the Government mishandled any future step in the road map, they would return to armed struggle, throwing the country back into yet another civil war.

8. For his part, the Senior General promised that the National Convention would be represented by all walks of life, and remarked that the mass rallies occurring across the country demonstrated that the people had given the Government a mandate to implement its road map.

9. Recovering from surgery, Daw Aung San Suu Kyi remains mentally and spiritually strong. She told the Special Envoy that after a rest period of two to three weeks she would be prepared to discuss any matters with the Prime Minister, and that she would first be asking for the release of all NLD members, including herself and the party's Central Executive Committee members detained since 30 May (there are 33 of them, according to Home Minister Colonel Tin Hlaing); the reopening of all NLD offices; and a credible inquiry into the 30 May incident to be conducted at an appropriate time. With regard to the road map, she said that NLD had not yet been consulted. Daw Aung San Suu Kyi informed the Special Envoy that she was aware of the regional response to the events of 30 May.

10. During their meetings with the Special Envoy, representatives of the ethnic nationality parties, ceasefire groups and other political parties were, in general, supportive of the reconvening of the National Convention, if all the parties

concerned, including Daw Aung San Suu Kyi and NLD, were able to participate in a significant way, if freedom of speech was guaranteed and if they were allowed to select their own participants. The ethnic nationality representatives further expressed the hope that the National Convention could start constitutional discussions from the beginning, and provide a forum for tripartite dialogue. The Secretary-General also takes note of the fact that a number of ethnic nationality groups that have concluded ceasefires with the Government have recently echoed these sentiments.

11. The Secretary-General takes note of the 7 October statement by the Association of South-East Asian Nations voicing its support for a road map that would involve all strata of society. Based on his consultations with several ASEAN countries, the Special Envoy has reported to the Secretary-General that ASEAN remains committed to the early lifting of restrictions on Daw Aung San Suu Kyi and NLD members and the resumption of dialogue among all parties concerned, as expressed in the joint communiqué of the thirty-sixth ASEAN ministerial meeting in Phnom Penh on 16 and 17 June.

III. Conclusions

12. **The Secretary-General notes that the Government has announced a new seven-step road map to democracy; however, it has yet to take into account the views expressed by a large number of parties inside Myanmar by demonstrating concretely that the road map process will be genuinely participatory and transparent and, as a matter of priority, defining the time line for its implementation. He also notes that the re-establishment of the National Convention Convening Work Committee was announced on 3 October and the re-establishment of the National Convention Convening Management Committee was announced on 22 October, and that no members of NLD or of ethnic minority parties were included.**

13. **The situation prevailing in Myanmar has thus not changed significantly since the issuance of the Secretary-General's main report. Tangible progress towards national reconciliation and democratization has yet to be achieved: after more than five months, the Secretary-General's calls for the restoration of freedom of movement and political activity for Daw Aung San Suu Kyi and other NLD members have yet to be answered positively. The efforts of the Secretary-General's Special Envoy to persuade the Government to agree to include NLD, other political parties and representatives of all Myanmar's ethnic nationalities in the earliest stages of the road map process, and to set a time line for the road map's implementation, have not yet borne fruit.**

14. **The Secretary-General continues to maintain that the only way to ensure that the road map process is productive and credible, and proceeds in a stable and orderly fashion, is for it to involve all Myanmar's political parties, national leaders, ethnic nationalities and strata of society, from the beginning. He believes that mass rallies are no substitute for the active participation and involvement of political parties in the process of democratization and national reconciliation. Moreover, while he is aware of the Government's concerns, the Secretary-General stands by the assessment made in his previous reports that the objectives of ensuring stability, preserving the multi-ethnic nature of**

Myanmar's society and pressing ahead with the transition to the return of democracy, and other much-needed reforms, are not only mutually compatible but also mutually reinforcing.

15. **The Secretary-General therefore wishes to use the present addendum to appeal once again to the Prime Minister and other Myanmar Government leaders to immediately lift the remaining restrictions imposed on Daw Aung San Suu Kyi, other NLD leaders and those detained in connection with the 30 May incident, and to allow NLD to reopen its offices across the country. He further appeals to the Government to begin a substantive dialogue with NLD and representatives of all of Myanmar's political parties and ethnic nationalities for implementing the road map in a meaningful way. The Secretary-General underscores his firm belief that these steps are the first requirements for a successful democratic transition. He also reiterates the need for his Special Envoy to be allowed to visit Myanmar as soon as possible to facilitate the process of national reconciliation and democratization.**